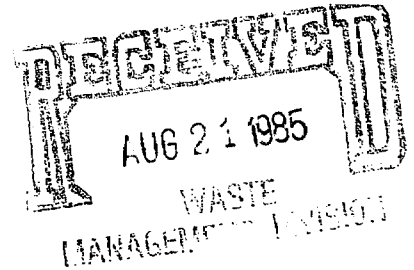




38003



August 15, 1985

Robert L. Duprey
Director, Waste Management Division
United States Environmental Protection Agency
Region VIII
One Denver Place
Denver, Colorado 80202-2413

Re: Olsen/Niehart Reservoir, Mayflower Tailings,
and Richardson Flats Sites

Dear Bob:

This is in response to EPA's Memorandum of July 31, 1985, regarding eligibility of the Olsen/Niehart Reservoir, Mayflower Tailings, and Richardson Flats sites for investigation and cleanup under the State's Abandoned Mine Reclamation Program (AMR). None of these sites is included in Utah's AMR program and, therefore, monies allocated to Utah for abandoned mine reclamation under the Surface Mining Control And Reclamation Act (SMCRA) are not budgeted for these sites.

Your letter correctly summarizes the statutory requirements for use of SMCRA monies in reclamation of non-coal sites. Utah incorporates these requirements in the State Abandoned Mine Reclamation Regulations:

AMR 875.12 Eligible lands and water.

Non-coal lands and water are eligible for reclamation if:

(a) They were mined or affected by mining processes;

(b) They were mined prior to August 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition;

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(c) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State or Federal Government or the State as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional moneys from the Account may be sought;

(d) The reclamation has been requested by the Governor;

(e) The reclamation is necessary for the protection of the public health and safety or all coal related reclamation has been accomplished; and

(f) Moneys allocated to the Division are available for the work.

Utah's Abandoned Mine Reclamation Plan addresses both coal and non-coal sites. Utah's allocation of SMRCA monies for the total program was about twenty-two million dollars through 1992. There are now approximately twelve million dollars remaining in the State's Abandoned Mine Reclamation Account.

Because of the large number of abandoned mines in Utah (87% non-coal) and the limited reclamation budget, the State plan establishes site selection and prioritization criteria which target principally sites posing immediate safety hazards. These sites generally encompass such hazards as open mine shafts, portals and adits; unstable high walls, mine fires and burning spoil piles, dangerous slide areas; mine gas buildups; water impoundments; subsidence areas; and unmarked mine pits. The plan stresses cost-effective use of reclamation funds at these sites and requires evaluation to determine the minimum amount of site reclamation needed to bring as many sites as possible to suitable land uses.

While abandoned mine sites posing environmental hazards are certainly eligible for reclamation activities under Utah's AMR authority, such sites are generally ranked below sites with high safety hazards. Unlike the remedial

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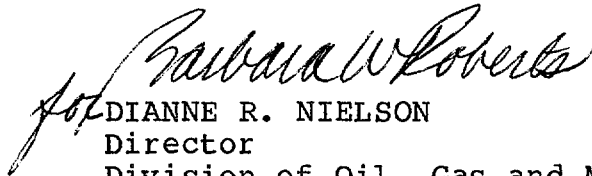
program under the federal Comprehensive Environmental Response Compensation And Liability Act (CERCLA), Utah's AMR program is not oriented to provide detailed investigation of releases of hazardous substances, nor is it sufficiently funded to provide for comprehensive site-specific environmental cleanups.

We hope that this information is helpful. If you have any further questions, please do not hesitate to contact us.

Sincerely,



KENNETH L. ALKEMA
Director
Division of Environmental Health



DIANNE R. NIELSON
Director
Division of Oil, Gas and Mining